UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

FEB 9 2015

Whitney Wirthlin
Bureau of Land Management
1340 Financial Boulevard
Reno, Nevada 89520

Subject: Long Canyon Mine Final Environmental Impact Statement (EIS), Elko County, Nevada [CEQ #20140385]

Dear Ms. Wirthlin,

The U.S. Environmental Protection Agency (EPA) has reviewed the above referenced document. Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's (CEQ) NEPA Implementation Regulations at 40 CFR 1500-1508, and our NEPA review authority under Section 309 of the Clean Air Act.

EPA provided comments on the Long Canyon Mine Draft EIS on May 2, 2014. At that time we identified environmental concerns related to potential impacts to wetland/riparian resources, surface water and groundwater quality and quantity, air quality, and mine design. Subsequently, EPA has reviewed two administrative drafts of this Final EIS and worked with BLM and Newmont Mining Corporation to address some of these concerns. EPA appreciates the time that BLM and Newmont committed to this collaboration, as a result of which several of our concerns were resolved.

EPA remains concerned about the potential impacts of the proposed project on the Johnson Springs system. This system, which includes Big Spring, Central Spring, and a number of other smaller springs, supports an extensive wetland complex as well as the perennial flow of the adjacent Hardy Creek. These wetland and riparian resources lie within the proposed project boundary and provide habitat and ecological function for an array of fish, amphibian, bird and mammal species. Under existing and proposed agreements, Newmont would gain control over an additional 450 gallons per minute of flow from Big Spring for use for mining or ranching purposes. According to the Final EIS, groundwater pumping at the proposed municipal water supply and mine water supply well fields is anticipated to result in reductions in groundwater contributions to Big Spring and the other Johnson Springs.

The FEIS indicates that, in order to minimize potential impacts to these waters, Newmont has verbally committed to limit its use of its additional Big Springs surface water flows to primarily the mine construction phase of project development -- a period during which reductions in groundwater contributions to surface flow are modeled to be only moderate. During mine operations and reclamation/closure, when the loss of groundwater contributions to surface flow would be greater, this water supply would be considered "back up" water and typically allowed to flow naturally into the wetlands. EPA commends Newmont for its stated desire to manage the Johnson Springs system in a responsible manner; however, we are concerned that BLM has unduly relied on this verbal commitment in analyzing the potential impacts of the proposed project. The Final EIS assumes that potential impacts

to the Johnson Springs system would be minor during mine operations because Newmont's intended release of surface flows from Big Springs would compensate for groundwater drawdown-related flow reductions (p. 4-38). This assumption is unsupported because, under the terms described in the FEIS, Newmont would retain the prerogative to continue or resume using this water at its discretion for ranching or mining purposes.

Despite an effort by BLM, Newmont and EPA to find a mutually acceptable means of codifying Newmont's verbal commitment to this water management regime, no enforceable agreement was reached. We continue to believe that, if BLM's analysis of the project's impacts is to be based on an assumption that the aquatic and riparian habitat within the Johnson Springs complex would be protected from degradation by the anticipated release of surface flows currently diverted for use by the Cities, then more concrete assurance of this arrangement is needed. We recommend that BLM work further with Newmont to clearly define, within its legal limitations regarding privately held lands and water rights, the conditions and circumstances under which the company would use these flows after the initial mine construction period. As stated in our comments on the Draft EIS, an adaptive management plan could be an effective means of addressing the need for both enforceability and flexibility. We recommend that BLM and Newmont consider whether the incorporation of an adaptive management component would make the conservation easement discussed in the FEIS mutually acceptable. Any agreement reached regarding this matter should be identified in the Record of Decision for this project.

Alternatively, if no mechanism for improved enforceability is established, we strongly recommend that BLM more conservatively assess the potential impacts of the project on the Johnson Springs/Hardy Creek wetlands and riparian resources, and include this revised analysis as an attachment to the Record of Decision. In order to accurately reflect the potential scenario authorized by the proposed project, the revised analysis should consider the potential impacts to Johnson Springs and Hardy Creek in the event that Newmont continues to use/withdraw its additional Big Springs surface water flows throughout the mine life. Should this occur, it is likely that the wetland and riparian resources adjacent to the mine site would experience substantial adverse impacts not currently considered in sufficient detail. As discussed below, BLM's assessment should consider the project's impacts in the context of a changing climate.

On December 18, 2014, the Council on Environmental Quality released revised draft guidance for public comment that describes how Federal departments and agencies should consider the effects of greenhouse gas emissions and climate change in their National Environmental Policy Act reviews. The revised draft guidance supersedes the draft greenhouse gas and climate change guidance released by CEQ in February 2010. This guidance explains that agencies should consider both the potential effects of a proposed action on climate change, as indicated by its estimated greenhouse gas emissions, and the implications of climate change for the environmental effects of a proposed action. Section 4.6.5 of the Final EIS addresses the issue of anthropogenic climate change. The analysis presented includes both an explicit calculation of the project's total carbon dioxide emissions and a discussion of climate change's potential effect upon the project, which is likely to take the form of changes in temperature and precipitation patterns.

While the approach taken in the FEIS to evaluate the impacts of climate change generally conforms with the approach recommended by CEQ, EPA notes a number of ways in which the analysis presented is not consistent with the recently revised guidance. For instance, page 4-66 of the Final EIS states that the project's climate change impacts are negligible because they represent "a tiny fraction of the emissions on a national or global basis". Page 9 of the revised draft guidance on climate change urges against such

conclusions, stating that, "This approach does not reveal anything beyond the nature of the climate change challenge itself: the fact that diverse individual sources of emissions each make relatively small additions to global atmospheric GHG concentrations that collectively have huge impact." We recommend that future analyses avoid the use of language that discounts the individually minor, but collectively significant, contributions that projects such as the Long Canyon Mine have upon global climate.

Second, more thorough consideration should be given to the potential for climate change to act in a cumulative capacity with project effects to exacerbate impacts to sensitive resources. For instance, available data suggest that drought frequency and severity in the West will likely increase due to climate change. Because the extent and species composition of wetland systems typically depends upon the low-flow condition, drought has the potential to substantially and permanently alter the Big Springs/Johnson Springs complex. This effect, combined with project related reductions in surface flow could result in cumulatively greater impacts upon wetland and riparian resources than those disclosed in the Final EIS.

Finally, Section 4.6.5 of the Final EIS does not include any discussion of potential mitigation measures to reduce the project's substantial contribution of GHGs. We recommend that future analyses identify design and operational measures that could be applied to reduce greenhouse gas emissions, and describe the likely efficacy and enforceability of such measures, regardless of the authority of the lead agency to require such mitigations.

We appreciate the opportunity to provide input on this Final EIS. When the ROD is released for public review, please send one hard copy and one electronic copy (CD or email) to the address indicated above or jessop.carter@epa.gov. If you have any questions, please contact me at 415-972-3842, or contact Carter Jessop, the lead reviewer for this FEIS. Carter can be reached at 415-972-3815 or the aforementioned email address.

Sincerely,

Kathleen Martyn Goforth
Manager
Environmental Review Section